

REMARKS

Reconsideration of this application in view of the above amendments and following remarks is respectfully requested. Claims 1-24, 27, 29-31, 34-37, 39-52, and 77-89 are pending. Claims 30, 31, 34-37, 39-52, and 83-89 have been canceled for being drawn to non-elected inventions. Claims 1, 16, 18, 23-24, 27, 29, 77-78 and 81-82 have been amended. Claims 2, 7-13 and 21 have been canceled. Upon entry of the above amendments, claims 1, 3-6, 14-20, 22-24, 27, 29 and 77-82 will be pending. No new matter is being introduced.

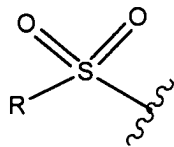
Claim Rejections – 35 U.S.C. § 112

Claims 1-24, 27, 29 and 77-82 are rejected under 35 U.S.C. § 112, first paragraph, as non-enabling for a solvate of a compound of formula (1).

To facilitate allowance and without acquiescing to the rejections in the Office Action, Applicants have deleted the phrase “solvate” and request that this ground of rejection be withdrawn.

Claims 1-24, 27, 29 and 78-81 are rejected under 35 U.S.C. § 112, second paragraph, as indefinite. In particular, the Examiner points out that one of the recited substituents, “sulfonyl” is divalent, when a monovalent substituent is required.

Applicants submit that “sulfonyl” conventionally refers to a class of monovalent groups represented by the following formula:



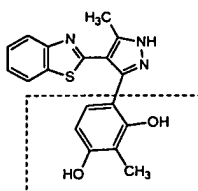
i.e., $RS(O)_2-$, wherein R is an organic moiety.

For example, one skilled in the art will readily recognize that sulfonyl chloride is $RS(O)_2-Cl$. This class of compounds includes mesyl chloride (R is methyl), tosyl chloride (R is *p*-toluenyl), etc. Accordingly, Applicants submit that “sulfonyl” is definite and request this ground of rejection be withdrawn.

Claim Rejections – 35 U.S.C. § 102

Claim 23 is rejected under 35 U.S.C. § 102(a) as being anticipated by CA Registry No. 385424-29-3.

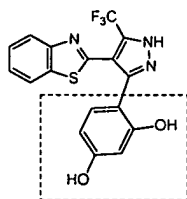
CA Registry No. 385424-29-3 has the following structure:



Claim 23 does not encompass CA Registry No. 385424-29-3 because R³ of claim 23 is limited to heterocycle, halogen-substituted hydrocarbyl and hydrocarbyl, hydrocarbyl including only carbon and hydrogen. The 2,4-dihydroxyl-3-methylphenyl group (shown above) of CA Registry No. 385424-29-3 does not fall within the definition of any of the designated R³ of claim 23. Accordingly, Applicants submit that claim 23 is novel over CA Registry No. 385424-29-3.

(a) Claims 1-9, 12-16, 18, 21-23, 77 and 78 are rejected under 35 U.S.C. § 102(b) as being anticipated by CA Registry No. 302575-58-2.

CA Registry No. 302575-58-2 has the following structure:



Claim 1 has been amended to recite that R² is amino, hydrocarbylamino, dihydrocarbylamino, or N-heterocycle. Support for this amendment can be found in, for example, original claims 2, 9 and 11. Thus, the genus structure of amended claim 1 exclude any compound that does not have an N-containing moiety (*i.e.*, amino, hydrocarbylamino, dihydrocarbylamino, or N-heterocycle) at R². Accordingly, claim 1 (as amended) and its dependent claims do not encompass CA Registry No. 302575-58-2 and are novel over same.

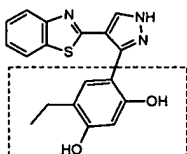
Claim 23 also does not encompass CA Registry No. 302575-58-2 because the 2,4-dihydroxyphenyl of CA Registry No. 302575-58-2 does not fall within the definition of any of

the designated R^3 of claim 23. Accordingly, claim 23 is also novel over definition of any of the designated R^3 of claim 23.

None of the specific compounds recited in claims 77 and 78 is CA Registry No. 302575-58-2. Thus, CA Registry No. 302575-58-2 cannot anticipate claims 77 and 78.

(b) Claims 1-9, 12-16, 18, 21-23, 77 and 78 are rejected under 35 U.S.C. § 102(b) as being anticipated by WO 2001/053331 ("Gour").

The relevant compound of Gour has the following structure:



(the Gour compound, *i.e.*, Compound 266 in Figure 15BD)

For the same reasons as set forth in Item (a), the Gour compound is not encompassed by amended claim 1 or its dependent claims, because the Gour compound does not have any N-containing moiety on the pyrazole ring.

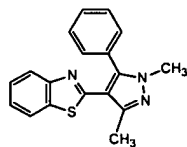
Similarly, the Gour compound is not encompassed by claim 23 because the 2,4-dihydroxy-5-ethylphenyl group of the Gour compound does not fall within the definition of any of the designated R^3 of claim 23.

Claim 77 has been amended to delete the Gour compound. This compound is not in claim 78.

Accordingly, claims 1-9, 12-16, 18, 21-23, 77 and 78 (as amended) are novel over the Gour compound.

(c) Claims 1-9, 12-16, 18, 21-23, 77 and 78 are rejected under 35 U.S.C. § 102(b) as being anticipated by JP 52-108427 ("Niimura").

The relevant compound of Niimura has the following structure:



(the Niimura compound)

For the same reasons as set forth in Item (a), the Niimura compound is not encompassed by amended claim 1 or its dependent claims, because the Niimura compound does not have any N-containing moiety on the pyrazole ring.

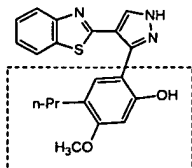
Claim 23 has been amended to delete the occurrence in which R^2 is hydrocarbyl. Thus, amended claim 23 excludes any compounds in which R^2 and R^3 are both hydrocarbyls. Claim 78 has been amended to delete those specific compounds in which R^2 is hydrocarbyl or hydrogen. Thus, claims 23 and 78 (as amended) are novel over the Niimura compound.

The Niimura compound is not one of the specifically recited compounds in claim 77. Thus, claim 77 is novel over this compound..

Accordingly, claims 1-9, 12-16, 18, 21-23, 77 and 78 (as amended) are novel over the Niimura compound.

(d) Claims 1-9, 12-16, 18, 21-23, 77 and 78 are rejected under 35 U.S.C. § 102(b) as being anticipated by CA Registry No. 136507-02-3.

CA Registry No. 136507-02-3 has the following structure:



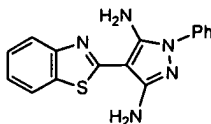
For the same reasons as set forth in Item (a), CA Registry No. 136507-02-3 is not encompassed by amended claim 1 or its dependent claims, because CA Registry No. 136507-02-3 does not have any N-containing moiety on the pyrazole ring.

Claim 23 has been amended to delete the occurrence in which R^2 is hydrogen. In addition, the 2-hydroxy-4-methoxy-5-propylphenyl group of CA Registry No. 136507-02-3 does not fall within the definition of any of the designated R^3 of claim 23.

Finally, CA Registry No. 136507-02-3 is not one of the specifically recited compounds in claims 77 or 78. Accordingly, claims 1-9, 12-16, 18, 21-23, 77 and 78 (as amended) are novel over CA Registry No. 136507-02-3.

(e) Claims 1-9, 12-16, 18, 21-23, 77 and 78 are rejected under 35 U.S.C. § 102(b) as being anticipated by CA Registry No. 153259-09-7.

CA Registry No. 153259-09-7 has the following structure:



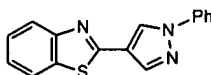
Claim 1 has been amended to delete the occurrence in which R^3 is amino. Thus, amended claim 1 excludes any compounds in which R^2 and R^3 are both amino groups.

Further, CA Registry No. 153259-09-7 is not encompassed by amended claim 23 because amended claim 23 also excludes any compounds in which R^2 and R^3 are both amino groups (R^3 is heterocycle, halogen-substituted hydrocarbyl or hydrocarbyl).

CA Registry No. 153259-09-7 is not one of the specifically recited compounds in claims 77 or 78. Accordingly, claims 1-9, 12-16, 18, 21-23, 77 and 78 (as amended) are novel over CA Registry No. 153259-09-7.

(f) Claims 1-9, 12-16, 18, 21-23, 77 and 78 are rejected under 35 U.S.C. § 102(b) as being anticipated by CA Registry No. 51864-18-7.

CA Registry No. 51864-18-7 has the following structure:



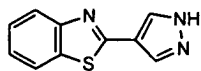
Amended claim 1 does not encompass CA Registry No. 51864-18-7 because amended claim 1 excludes any compounds in which R^2 and R^3 are both hydrogens.

Likewise, amended claim 23 does not encompass CA Registry No. 51864-18-7 because amended claim 23 also excludes any compounds in which R^2 and R^3 are both hydrogens.

CA Registry No. 51864-18-7 is not one of the specifically recited compounds in claims 77 or 78. Accordingly, claims 1-9, 12-16, 18, 21-23, 77 and 78 (as amended) are novel over CA Registry No. 51864-18-7.

(g) Claims 1-9, 12-16, 18, 21-23, 77 and 78 are rejected under 35 U.S.C. § 102(b) as being anticipated by CA Registry No. 40142-85-6.

CA Registry No. 40142-85-6 has the following structure:



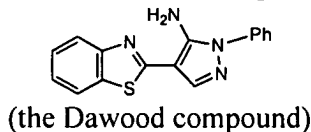
Amended claim 1 does not encompass CA Registry No. 40142-85-6 because amended claim 1 excludes any compounds in which R^2 and R^3 are both hydrogens.

Likewise, amended claim 23 does not encompass CA Registry No. 40142-85-6 because amended claim 23 also excludes any compounds in which R^2 and R^3 are both hydrogens.

Claims 77 and 78 have been amended to delete CA Registry No. 40142-85-6. Accordingly, claims 1-9, 12-16, 18, 21-23, 77 and 78 (as amended) are novel over CA Registry No. 40142-85-6.

(h) Claims 1-9, 12-16, 18, 21-23, 77 and 78 are rejected under 35 U.S.C. § 102(b) as being anticipated by Dawood (Compound 3).

Compound 3 of Dawood has the following structure:



Amended claim 1 does not encompass the Dawood compound because R^3 cannot be hydrogen.

Likewise, amended claim 23 does not encompass the Dawood compound because R^3 cannot be hydrogen.

The Dawood compound is not one of the specifically recited compounds in claims 77 or 78. Accordingly, claims 1-9, 12-16, 18, 21-23, 77 and 78 (as amended) are novel over the Dawood compound.

Conclusion

From the foregoing, Applicants submit that the compounds in the cited references have been excised from the scopes of the pending claims. Accordingly, claims 1, 3-6, 14-20, 22-24, 27, 29 and 77-82 are novel over the cited compounds.

Application No. 10/521,948
Reply to Office Action dated November 28, 2008

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,
SEED Intellectual Property Law Group PLLC

/Hai Han/
Hai Han, Ph.D.
Registration No. 54,150

HXH:mcs

701 Fifth Avenue, Suite 5400
Seattle, Washington 98104
Phone: (206) 622-4900
Fax: (206) 682-6031

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